

Notice of Allowability

Application No.

10/812,902

Examiner

Narayanswamy Subramanian

Applicant(s)

FARR, CRAIG

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/13/2006.
2. ☒ The allowed claim(s) is/are 1-11 and 23-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>20070205</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. This communication is in response to Applicant's communications filed on November 13, 2006. Amendments to claims 1-14 and 17-22 and addition of new claims 23-30 have been entered. Claims 1-30 are pending in this application.

Examiner's Amendment/Comment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment must be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was give in a telephone interview with Applicant's representative Mr. Eric Sophir (Reg. No. 48,499) on February 1, 2007.

The application has been amended as follows:

IN THE CLAIMS

Claims 12-22 and 28-30 are cancelled.

Allowable Subject Matter

3. The following is a statement of reasons for the indication of allowable subject matter:

4. The prior art of record (Birle Jr. et al. US Pub. No. 2003/0130941) teaches a method for performing a financial transaction comprising the steps of: issuing a financial instrument to a first investor, the financial instrument comprising: a fixed income instrument having a predetermined remarketing date and a coupon; a forward purchase contract to purchase at least one equity share at a predetermined future contract date; and issuing at least one equity share to the first investor on the predetermined future contract date.

Even though, the prior art of record teaches the above mentioned steps, the prior art of record fails to teach a method for performing a financial transaction including the steps of a financial instrument comprising a first acceleration trigger clause to designate a first date to remarket the fixed income instrument prior to the predetermined remarketing date upon an occurrence of a first predetermined event; and remarketing the fixed income instrument on the first date upon the occurrence of the first predetermined event including issuing the fixed income instrument to a second investor.

For these reasons claim 1 is deemed to be allowable over the prior art of record, and claims 2-11 and 23-27 are allowed by dependency on an allowed claim.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee, and to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled Comments on Statement of Reasons for allowance.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(a) Shepherd (US Patent 6,912,510 B1) (June 28, 2005) Methods of Exchanging an Obligation

(b) Ross et al. (US Pub No. 2003/0163400 A1) (August 28, 2003) Method for Structuring an Obligation

(c) Andres et al. (US Pub. No. 2006/0282356 A1) (December 14, 2006) System and Method for Structured Put Rate Combination Structure

(d) Savasgolu et al. (US Pub. No. 2005/0102213 A1) (May 12, 2005) Systems and Methods for Accreting Remarketable Convertible Securities

(e) Seaman (US Pub. No. 2004/0098327 A1) (May 20, 2004) Contingent Convertible Securities Instrument and Method of Providing, Trading and Using the Same

(f) Watanabe M (JP 2002109220 A) (April 12, 2002) Corporate Bond Processing Method and software Program for Performing Corporate Bond Processing in Computer System

(g) Lawrence et al. (JP 2001319062 A) (November 16, 2001) Managing Method for other-Company's Stock Convertible Bond with Early Partial Redemption Article

(h) Ortner et al. (JP 2005050345 A) (February 24, 2005) Method and System for Providing Mandatorily Convertible Security with Associated Call Spread Against Trust

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (571) 272-6751. The examiner can normally be reached Monday-Thursday from 8:30 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at (571) 272-6777. The fax number for Formal or Official faxes and Draft to the Patent Office is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PMR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read 'N. Sub', with a long horizontal stroke extending to the right.

Dr. N. Subramanian

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Primary Examiner

February 5, 2007